

## REQUEST FOR PROPOSAL (RFP)

### HEARING OFFICER – CIVIL SERVICE COMMISSION

#### 1. PURPOSE AND INTENT

This Request for Proposal (RFP) for Hearing Officers is issued by and through the Department of Personnel (the “DOP”) on behalf of the City of St. Louis, Missouri (the “City”).

The purpose of this RFP is to solicit sealed proposals for the purpose of hiring individuals and/or law firms to provide services as hearing officers for the Civil Service Commission of the City of St. Louis (the “CSC”).

The DOP reserves the right to award the contract(s) resulting from this RFP to one or more respondents, as required and deemed appropriate to meet the needs of the DOP.

#### 2. SCOPE OF SERVICES

The DOP retains hearing officers on behalf of the CSC to perform the following services:

A. Conduct hearings relative to appeals filed with the CSC by permanent civil service employees from disciplinary actions. Said hearings shall be conducted in accordance with the Evidentiary Hearing Process promulgated by the CSC.

B. Ensure that a record of proceedings of said hearings is prepared.

C. Provide to the CSC a recommendation regarding adjudication of the appeal including suggested findings of fact and conclusions of law relative to the appeal hearings conducted;

D. Review motions and/or memorandums of law filed in connection with appeals pending before the CSC including those submitted in cases being handled under the Written Submission Process.

E. Supply to the Secretary of the CSC monthly billings for hours worked, documenting time spent per appeal detailing the specific work performed (i.e. conducting hearing; preparing suggested findings of fact and conclusions of law; ruling on pending motions).

#### 3. FEES

Hearing officers will be compensated at the rate of \$100.00 per hour of work. Hours billed for the preparation of recommendations and suggested findings of fact and conclusions of law shall not exceed three hours per appeal. A request for additional fees for periods of time in excess of three hours to prepare recommendations and suggested

findings of fact and conclusions of law must be approved in advance, in writing, by the Secretary to the CSC. Administrative support for scheduling appeals, notifying the parties of appeal hearing dates and subpoenaing witnesses will be provided.

#### 4. MINIMUM QUALIFICATIONS

Hearing officers must be attorneys licensed by the State of Missouri, in good standing with the Missouri Bar and have experience in the area of administrative law and/or employment law. Hearing officers must not be delinquent in taxes owed to the City of St. Louis. Hearing officers must not be engaged in any litigation (including, but not limited to, administrative matters) in which the City and/or any of its officers or employees are a party in their official capacity.

#### 5. SELECTION CRITERIA

The following criteria, at a minimum, shall be considered in making the selection of Hearing officers:

- Specialized experience, qualifications and technical competence of the Respondent including experience in the area of administrative law and/or employment law and/or as a hearing officer.
- Ability of the firm to provide innovative solutions.
- Capacity and capability to perform the work required within time limitations set by the CSC.
- Past record and performance of the Respondent with respect to schedule compliance, cost control and quality of work.
- Proximity of the Respondent to the City.
- M/WBE and/or DBE participation.
- Ability of the Respondent to meet statutory or ordinance requirements.
- Approach to the project and any unusual problems anticipated.
- Availability of financial and operating resources as required to complete the work.
- Other relevant criteria that may be developed by the DOP or selection committee.

#### 6. PROPOSAL

All materials submitted in accordance with this RFP will become and will remain the property of the City and will not be returned.

All Proposals shall be considered public records, but may be deemed and treated as “closed” or “exempt” by the DOP, at the sole discretion of the DOP, pursuant to the City’s understanding and interpretation of the laws of the State of Missouri. All Proposal materials may be treated as open records. The City cannot guarantee the confidentiality of any materials during the evaluation process or at any other time. Thus, Proposals and

communications exchanged in response to this RFP should be assumed to be subject to public disclosure.

## 7. TERMINATION

This RFP may be canceled at any time if the DOP determines it is in the best interest of the City and/or the DOP.

## 8. SUBMISSION OF PROPOSAL

In order to be considered by the Selection Committee, a Respondent's proposal must be received by the DOP at 1114 Market Street, Room 700 no later than 5:00 P.M. (CST) on Tuesday, January 31, 2017. Proposals received after this deadline will not be considered.

Proposals must be labeled on the outside of the package to clearly indicate that they are in response to the RFP FOR HEARING OFFICERS. Proposals submitted via e-mail or facsimile will not be considered.

Each Respondent must submit one (1) sealed, complete, original proposal. Each Respondent must also submit four (4) sealed, complete and exact copies of the original proposal.

The City will evaluate the proposals and determine if interviews are necessary or desirable. The City may reject any and all proposals.

## 9. QUESTIONS

Any questions regarding this RFP must be submitted in writing via U.S. mail to the attention of the following individual: Richard R. Frank, Director of Personnel and Secretary to the Civil Service Commission, 1114 Market Street, Room 700, St. Louis, Missouri 63101.

Questions must be submitted no later than January 24, 2017. The DOP will maintain a list of all individuals/entities requesting copies of the RFP and will ensure that copies of all questions and responses thereto shall be made available, upon request, to each entity on such list. Each question shall begin by referencing the RFP page number and section number to which it relates. Short *procedural* questions may be accepted by telephone by the DOP, however, oral explanation or instructions given over the telephone shall not be binding on the DOP or City.

After the submission of proposals, unless requested by the DOP, contact with the DOP is limited to status inquiries only and such inquiries shall be directed to the above named individual. Any further contact or information about the proposal to the DOP or any other City official connected with the RFP will be considered an impermissible supplementation of the Respondent's proposal.

## 10. CONTENTS OF PROPOSAL

Each proposal must contain, at the minimum, the following information:

- A. A description of whether the Respondent is an individual or a law firm and if it is a law firm it must include information as to the type of organization it is (i.e., professional corporation, limited liability corporation, partnership).
- B. The identity of the attorney(s) who will perform the services in connection with this contract. For each said individual identified include a description of their educational background, date licensed as an attorney and relevant experience in administrative and/or employment law. Also include if the attorney has been subject to discipline by the Missouri Supreme Court and, if so, the discipline imposed and the reason for the discipline.
- C. The address of the Respondent.
- D. All information pertinent to the selection criteria identified in paragraph 5 above.
- E. The name, address and telephone number of three references. If the reference is a business, corporation or other organization, please identify the contact person.
- F. A description of any litigation in which the Respondent is representing a party and the City of St. Louis or any of its officers or employees are a party.
- G. A sample of Findings of Fact and Conclusions of Law.

## 11. SELECTION PROCESS

Responses will be evaluated by a Selection Committee, in accordance with the guidelines established by Ordinance 64102. The Selection Committee is composed of representatives of the Mayor's Office, Comptroller's Office, the Aldermanic President's Office and the Department of Personnel.

The City and/or its Selection Committee reserve the right to:

- A. Reject any and all proposals with or without cause.
- B. Request additional information as the City and/or its Selection Committee may deem necessary.
- C. Waive any and all nonmaterial irregularities pertaining to proposals.

- D. Disqualify any and/or all firms and reject any and/or all Proposals for failure to comply with this RFP or to promptly provide additional requested materials or information.
- E. Supplement, amend, substitute or otherwise modify this RFP.
- F. Cancel this RFP.
- G. Interview or call upon for a presentation from one or more of the Respondents.
- H. Negotiate final contract terms with any Respondent.
- I. Discuss the proposals submitted with any or all of the Respondents.
- J. To enter into any agreement deemed by the City of St. Louis to be in the best interest of the City of St. Louis with one or more respondents.

Respondents will be notified if they have been selected for further consideration. Nothing in this RFP is intended to be, nor should anything herein be construed as an offer of engagement. A selection or designation of a successful respondent shall not be construed as an offer of engagement until and unless a contract is fully negotiated. For the contract to take effect, all applicable parties with the authority to bind the respective entity must sign the agreement.

## 12. LIVING WAGE

Respondents will be required to comply with the City's Living Wage Ordinance No. 65597 and are encouraged to review this ordinance prior to making their submission.

## 13. EMPLOYEES

Respondents will be required to comply with § 285.530 RSMo. (2009) and are encouraged to review this statute prior to making their submission.

## 14. INDEMNIFICATION

Each Respondent in seeking, receiving or possessing this RFP and/or in submitting a response does release, indemnify and hold the City and its various employees, representatives and agents harmless from and against all claims and demands of any and all loss, cost, damage, or liability of whatever nature, which may be asserted against or imposed against the City as a result of issuing this RFP, making any revisions thereto and conducting this selection process and subsequent negotiations, and making a final recommendation and/or entering into a contract.

15. COST LIABILITY

Any cost incurred by the Respondent in preparation, transmittal or presentation of any proposal or material submitted in response to this RFP, including oral interview if required, shall be borne solely by the Respondent.

16. GOVERNING LAW

This RFP and any agreement with Respondent(s) that may result, shall be governed by the laws of the State of Missouri.